

EXHIBIT M

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 KASHIF ALLEYNE AND DAMANI MCFARLANE,
6 Plaintiffs,

15CV1860

7 -against-

(WFK) (VMS)

8 P.O. WALIUR RAHMAN, SHIELD NO. 6428; DET.
9 YIKA MORALES, SHIELD NO. 5430; DET. NATIA
KALANDADZE, SHIELD NO. 20858; DET. JAMES
MCCULLOUGH, SHIELD NO. 31112; DET. LORNE
10 KANOVER, SHIELD NO. 1824,

11 Defendants.
-----X

12
13 305 Broadway
New York, New York

14
15 June 21, 2016
16 11:04 a.m.
17

18 EXAMINATION BEFORE TRIAL of DET.
19 LORNE KANOVER, in the above-entitled
20 action, held at the above time and place,
21 taken before Denise Rizek a Notary Public
22 of the State of New York, pursuant to the
23 Federal Rules of Civil Procedure, Notice
24 and stipulations between counsel.
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A P P E A R A N C E S:

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and among counsel for the respective
parties hereto, that the filing, sealing
and certification of the within
deposition shall be and the same are
hereby waived;

IT IS FURTHER STIPULATED AND AGREED,
that all objections, except as to form of
the question, shall be reserved to the
time of trial;

IT IS FURTHER STIPULATED AND AGREED,
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn
to before the Court.

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1

2 D E T. L O R N E K A N O V E R,
3 having first been duly sworn by a Notary
4 Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. MARINELLI:

8 Q. Can you state your name.

9 A. Detective Lorne Kanover.

10 Q. What is your address?

11 A. One Police Plaza, New York, New
12 York 10038.

13 Q. And have you been deposed
14 before?

15 A. No.

16 Q. It's the first time you've ever
17 given a deposition?

18 A. Yes.

19 Q. And how long have you've been a
20 detective?

21 A. Approximately, six years.

22 Q. And where are you assigned now?

23 A. Brooklyn North Narcotics.

24 Q. And how long have you been
25 there?

1 DET. LORNE KANOVER

2 A. I remember a tact meeting.

3 Q. And between the tact meeting
4 and entering the location, what do you
5 remember?

6 A. Getting in a car and driving
7 over there.

8 Q. What do you remember after
9 that?

10 A. What is "that?"

11 Q. After getting in a car and
12 getting over there. We're having a
13 conversation. So if I ask you a certain
14 question, you answer it, and I say after
15 that, I mean based on your prior answer.

16 A. Well, I have to know what you
17 mean by "that."

18 Q. Well, it's what you said. You
19 said, got in a car and drove over there.
20 After getting in a car and driving over
21 there, what do you remember?

22 A. Eventually entering the
23 location.

24 Q. When you say "eventually,"
25 between getting in the car and driving

1 DET. LORNE KANOVER

2 Q. Okay. One went into a room and
3 shut the door?

4 A. Well, I believe, both went into
5 the room and shut the door.

6 Q. Both went into the same room?

7 A. Yes.

8 Q. And tell me what you did next?

9 A. Myself with Detective
10 McCullough with the shield in front of me
11 made entry into a different room.

12 Q. Did you make entry into the
13 room where the two individuals were?

14 A. No.

15 Q. What room did you go into?

16 A. The room next-door to it.

17 Q. Okay. What did you find in
18 there?

19 A. One male, black.

20 Q. So far we found three male
21 blacks on the second floor; is that
22 correct?

23 A. Visually I saw two. I found
24 one.

25 Q. In total did you see two or

1 DET. LORNE KANOVER

2 three on the second floor?

3 A. Three.

4 Q. Okay. And two ran into a room,
5 they closed the door; is that correct?

6 A. Yes.

7 Q. And one was in a different room
8 and that's the room you went into; is
9 that correct?

10 A. Just in the room. He didn't
11 run into the room.

12 Q. But not the living room?

13 A. No.

14 Q. When you went into the second
15 room were you alone or with somebody
16 else?

17 A. Detective McCullough was in
18 front of me.

19 Q. Did you have your guns out?

20 MS. RODRIGUEZ: Objection.

21 A. I did not.

22 Q. Did you see anyone else with
23 their gun out?

24 A. Yes.

25 Q. Was Detective McCullough's gun

1 DET. LORNE KANOVER

2 out?

3 A. Yes.

4 Q. What did you see next?

5 A. The individual on the floor.

6 Q. Okay. Did anybody tell him to
7 get on the floor?

8 A. I don't remember at this time.

9 Q. Do you remember hearing or
10 anybody saying anything?

11 A. I don't remember at this time.

12 Q. And the individual that got on
13 the floor, do you recall his name?

14 A. No.

15 Q. Okay. And after seeing this
16 individual on the floor and you're in the
17 room with Detective McCullough, can you
18 tell me what happens next?

19 A. I place him in handcuffs.

20 Q. Why did you place him in
21 handcuffs?

22 A. For safety.

23 Q. Did you place the handcuffs on
24 him?

25 A. Yes.

1 DET. LORNE KANOVER

2 Q. And what was Detective
3 McCullough doing while you placed him in
4 handcuffs?

5 A. Holding the shield.

6 Q. Okay. And after placing him in
7 handcuffs, what did you do?

8 A. Just stayed there.

9 Q. Did you search him?

10 A. I patted him down for weapons.

11 Q. Did you find anything?

12 A. No.

13 Q. Did you find any contraband?

14 A. I didn't search for contraband.

15 Q. You didn't search for
16 contraband?

17 A. No. I just told you I patted
18 down for weapons.

19 Q. Did you feel anything else in
20 his pockets?

21 A. I don't recall.

22 Q. Did you feel anything else
23 anywhere else on his body?

24 A. Nothing resembling a weapon.

25 Q. Did he have keys in his pocket?

1 DET. LORNE KANOVER

2 A. I don't recall.

3 Q. Did he have a wallet in his
4 pocket?

5 A. I don't recall.

6 Q. Can you describe for me what he
7 was wearing?

8 A. I don't recall.

9 Q. Can you describe for me how
10 tall he was?

11 A. I don't recall.

12 Q. Can you describe for me his
13 body type?

14 A. Skinny.

15 Q. Can you describe for me what
16 his hair was like?

17 A. I don't recall.

18 Q. Can you describe for me how
19 tall he was?

20 A. I don't recall.

21 Q. Is there anything you recall
22 about him about, besides from him being a
23 skinny male, black?

24 A. No.

25 Q. And after patting him down for

1 DET. LORNE KANOVER

2 a weapon, what did you do?

3 A. Stayed in the room.

4 Q. Okay. And who was in the room
5 with you?

6 A. The individual that was in
7 handcuffs and Detective McCullough.

8 Q. And after you're in the room,
9 what's the next thing that happens?

10 A. At a short time later another
11 individual in handcuffs was brought into
12 the room.

13 Q. Did you ever learn the name of
14 the person that you first saw who was
15 handcuffed on the floor?

16 A. Eventually.

17 Q. And what's that person's name?

18 A. I do not recall at this time.

19 Q. And the second individual who
20 came into the room, can you describe them
21 for me?

22 A. Male, black.

23 Q. Can tell me if he was tall or
24 short?

25 A. I do not recall.

1 DET. LORNE KANOVER

2 Q. Do you recall what he was
3 wearing?

4 A. I do not recall.

5 Q. Do you recall if he was fat or
6 skinny?

7 A. I do not recall.

8 Q. Do you recall what clothes he
9 was wearing?

10 A. I don't not recall.

11 Q. Okay. And so the second male
12 black was brought into the room. Do you
13 recall who brought him into the room?

14 A. I do not.

15 Q. Do you know if there were one
16 officer or two officers who brought him
17 into the room?

18 A. I do not know.

19 Q. After the second male black was
20 brought into the room, what's the next
21 thing you saw happen?

22 A. A short time later --

23 Q. How long?

24 A. Minutes.

25 Q. Okay.

1 DET. LORNE KANOVER

2 location.

3 Q. Between the time that you four
4 were in the room alone and exiting the
5 location, did anything happen?

6 A. What do you mean by "anything?"

7 Q. Well, I'm asking you, you turn
8 around and you were in a silent room with
9 Detective McCullough and two other
10 individuals; is that correct?

11 A. Yes.

12 Q. What's the next thing you
13 remember happening in the room?

14 A. At some point they would be
15 removed from the room, the two handcuffed
16 individuals.

17 Q. Okay. Did other officers come
18 in to remove them?

19 A. That I don't recall.

20 Q. Do you recall how they left the
21 room at all?

22 A. No.

23 Q. Do you recall anybody taking
24 any pedigree information?

25 A. I didn't take any pedigree

1 DET. LORNE KANOVER

2 did you search that room?

3 A. No, I did not.

4 Q. Can you describe that room for
5 me?

6 A. What do you mean by "describe?"

7 Q. Well, do you know what the word
8 "describe" means?

9 A. Yes.

10 Q. So describe it.

11 A. Okay, it's like a square shape.

12 Q. Was anything in the room? Was
13 there furniture?

14 A. There was a TV.

15 Q. Why don't you describe it in as
16 much detail as you can?

17 A. I just did.

18 Q. So all you remember, it was a
19 square room with a TV?

20 A. And a window.

21 Q. And a window. And you don't
22 remember if there was any furniture?

23 A. I do not recall.

24 Q. You don't recall what color the
25 walls were painted?

1 DET. LORNE KANOVER

2 A. I do not recall.

3 Q. Do you recall how big the room
4 was?

5 A. No.

6 Q. You don't recall -- was the TV
7 on or off?

8 A. I believe it was on.

9 Q. Do you recall what it was
10 playing?

11 A. I do not recall.

12 Q. Do you recall how many doors
13 were in the room?

14 A. There was one door that I did
15 enter. There may have been other doors
16 as in a closet door.

17 Q. Did you ever look in that
18 closet?

19 A. I do not recall if there is a
20 closet. I'm just stating that there was
21 a door that I entered.

22 Q. Did you ever search that room
23 at all?

24 A. No.

25 Q. Did you see anybody else search

1 DET. LORNE KANOVER

2 that room?

3 A. No.

4 Q. Did you ever see anybody with
5 marijuana with that room?

6 A. I did not see marijuana in
7 there, but I smelled marijuana in there.

8 Q. When did you first smell
9 marijuana?

10 A. When we made entry into the
11 room.

12 Q. Okay. And at that point who
13 was in the room when you made entry into
14 the room?

15 A. Just the one individual we had
16 placed in handcuffs.

17 Q. Did you see any marijuana
18 burning when you went into the room?

19 A. I did not.

20 Q. Do you know if any marijuana
21 was ever recovered from that room?

22 A. I didn't search the room.

23 MS. RODRIGUEZ: Objection.

24 Q. Do you know if any marijuana
25 was ever recovered from that the room?

1 DET. LORNE KANOVER

2 A. I do not know.

3 Q. When you entered and smelled
4 the marijuana, did you say anything to
5 the gentleman about the possibility of
6 marijuana in the room?

7 MS. RODRIGUEZ: Objection to
8 form.

9 A. No.

10 Q. Did you hear anyone else ask
11 the individual about the possibility of
12 there being any marijuana in the room?

13 A. No.

14 Q. At any point did you see
15 anybody search that room?

16 A. No.

17 Q. At any point did you ever see
18 any marijuana in that room?

19 A. Myself, no.

20 Q. At any point did you hear that
21 they discovered marijuana in that room?

22 A. Marijuana was vouchered from
23 the location.

24 Q. That's not my question.

25 At any point did you hear

1 DET. LORNE KANOVER

2 anyone else say that they found marijuana
3 in that room?

4 A. No.

5 Q. At any point did you see
6 anybody search in that room?

7 MS. RODRIGUEZ: Objection.

8 Asked and answered.

9 Q. You can answer.

10 A. No.

11 Q. Now, at some point these two
12 black males exited the room; is that
13 correct?

14 A. Yes.

15 Q. Did they exit the room before
16 you or after you?

17 A. I don't recall.

18 Q. Do you recall -- besides you
19 and Detective McCullough, other police
20 officers enter the room at some point; is
21 that correct?

22 MS. RODRIGUEZ: Objection.

23 A. They may have.

24 Q. Do you recall whether other
25 officers ever came in?

1 DET. LORNE KANOVER

2 A. I do not recall.

3 Q. And you don't recall -- did you
4 leave -- did you and Detective McCullough
5 ever leave these two individuals in the
6 room alone?

7 A. No.

8 Q. Okay. And at some point these
9 two individuals were taken from the room;
10 is that correct?

11 A. Yes.

12 Q. And did you see them being
13 taken from the room?

14 A. I don't recall.

15 Q. Did you take these two
16 individuals from the room?

17 A. I don't recall.

18 Q. Before coming here today, did
19 you discuss this lawsuit with anybody
20 else with the NYPD?

21 A. No.

22 Q. Did you ever discuss it with
23 anybody else who's being sued in this
24 case?

25 A. No.

1 DET. LORNE KANOVER

2 A. Yes.

3 Q. Before leaving the room was
4 anyone else in the room?

5 A. I don't recall.

6 Q. Okay. Were you able to look
7 around that day?

8 MS. RODRIGUEZ: Objection to
9 form.

10 A. I don't know what that means.

11 Q. Were you able to look around
12 the room before you left?

13 A. What do you mean by "able?"

14 Q. Were you capable of doing that?

15 A. With my eyes?

16 Q. Yeah, with your eyes.

17 A. Were my eyes working?

18 Q. Yeah, were your eyes working?

19 A. Yes.

20 Q. Did you do that?

21 A. Yes.

22 Q. You looked around the room?

23 A. Yes.

24 Q. Do you recall seeing any other
25 people in there?

1 DET. LORNE KANOVER

2 Q. Who was outside?

3 A. There were civilians and there
4 were police officers.

5 Q. Do you recall the names of the
6 police officers that were there?

7 A. Not at this time.

8 Q. Can you recall any police
9 officer that was there?

10 A. Not at this time.

11 Q. Okay. And when you walked out
12 of 1346 Prospect Place, did you have
13 anything with you that you didn't have
14 when you walked into 1346 Prospect Place?

15 A. A pair of handcuffs I placed on
16 an individual that was under arrest.

17 Q. Did you have anything that you
18 didn't go in there with?

19 A. Did I have anything that I
20 didn't go in with? No.

21 Q. And you left your handcuffs on
22 the individual upstairs?

23 A. He was placed in my handcuffs,
24 yes.

25 Q. But do you know if that -- so

1 DET. LORNE KANOVER

2 A. 9:30 p.m.

3 Q. So were you at the location for
4 three hours?

5 A. Yes.

6 Q. Out of those three hours, do
7 you know how long you were inside 1346
8 Prospect Place?

9 A. No.

10 Q. Can you estimate?

11 A. No.

12 Q. Do you know how long you were
13 at outside 1346 Prospect Place?

14 A. No.

15 Q. Can you estimate?

16 A. No.

17 Q. Read the next line for me.

18 A. 2140 A A, which means at above.

19 Q. When you say "2140 at above,"
20 that means you were where?

21 A. Well, the previous line 2130
22 says in route to, ERT, 77 Precinct.

23 Q. Okay.

24 A. And then 2140 says at above
25 which is the location I was going to, 77

1 DET. LORNE KANOVER

2 individual came in with handcuffs into
3 the room where you were; is that correct?

4 A. Yes.

5 Q. You had already searched the
6 person you had put handcuffs on for
7 weapons, you said.

8 A. Patted him down for weapons.

9 Q. Patted him down for weapons.
10 And tell me, again, how you
11 patted him down?

12 A. Outside of his clothes.

13 Q. Describe if for me what you
14 did?

15 A. I put my hands on the outside
16 of his clothes --

17 Q. Did you start at his head?

18 A. No.

19 Q. Tell me where you started.

20 A. Waistband.

21 Q. And how did you search his
22 waistband?

23 A. With my hands.

24 Q. Okay. Did you put your fingers
25 and hands in the waistband and go around

1 DET. LORNE KANOVER

2 his waistband?

3 A. No. I used my hands to pat the
4 outside. Visually with my eyes I looked,
5 determined there was no knives, guns,
6 bombs, grenades, rocket launchers, I
7 deemed him no weapons.

8 Q. What's the next then you did?

9 A. Stayed in the room.

10 Q. Did you search any other parts
11 of his body?

12 A. No.

13 Q. You didn't search his pockets?

14 A. No.

15 Q. You didn't search -- was he
16 wearing a jacket or not wearing a jacket?

17 A. I don't recall.

18 Q. You didn't pat down his legs?

19 A. No.

20 Q. You didn't pat down the top
21 part of his body?

22 A. No.

23 Q. When you went into his
24 waistband, was he face down or face up
25 when you did this?

1 DET. LORNE KANOVER

2 A. I don't recall.

3 Q. Now, when you said you
4 determined there was no weapons in his
5 waistband, how did you do that? Again,
6 you patted him down, did you pat down his
7 back, his front?

8 A. Along the waistband.

9 Q. Okay. The back of his
10 waistband, the front of his waistband?

11 A. The entire waistband.

12 Q. Was he on the floor or
13 standing, do you know?

14 A. I don't recall.

15 Q. And you never searched him for
16 any drugs --

17 A. No.

18 Q. -- or contraband?
19 You never looked in the room
20 for any drugs or contraband?

21 A. No.

22 Q. And you never saw anyone do
23 that?

24 A. No, I did not.

25 Q. And you don't recall what

1 DET. LORNE KANOVER

2 A. Yes.

3 Q. But there's no police document
4 which would indicate whether Officer
5 Rahman gave it to you or Officer Rahman
6 gave it to a different officer?

7 A. I wouldn't have the document if
8 there is.

9 Q. Have you ever seen a document
10 like that?

11 A. No.

12 Q. What about if it was a gun,
13 would there be a chain of custody kept
14 for a weapon that was found?

15 MS. RODRIGUEZ: Objection.

16 A. No.

17 Q. You never seen a chain of
18 custody form for any evidence?

19 MS. RODRIGUEZ: Objection.

20 A. No.

21 Q. You never seen a form that
22 keeps track of the route of the evidence
23 from finding the evidence to the
24 vouchering of the evidence and who
25 possessed it at every point at that

1 DET. LORNE KANOVER

2 Q. At some point you exited the
3 room, correct?

4 A. Yes.

5 Q. Can you tell me how long
6 between the time you entered that room
7 and exited that room how long you were in
8 the room?

9 A. I don't recall.

10 Q. Can you estimate?

11 A. No.

12 Q. Do you know if it was more than
13 two minutes?

14 A. I can't recall.

15 Q. Do you know if it was more than
16 five minutes?

17 A. I can't recall.

18 Q. And when you exited the room,
19 no contraband had been found?

20 MS. RODRIGUEZ: Objection.

21 A. I didn't recover any
22 contraband.

23 Q. Did you see any contraband
24 found?

25 A. I didn't recover anything.

1 DET. LORNE KANOVER

2 Q. Did you see any contraband
3 found?

4 A. I did not, no.

5 Q. You didn't see any contraband
6 found?

7 A. No.

8 Q. And after you exited the room,
9 what did you do next?

10 MS. RODRIGUEZ: Objection.

11 Asked AND answered.

12 A. Can you ask the question again.

13 Q. After you exited the room what
14 did you do next?

15 A. I exited the location.

16 Q. And how did you do that?

17 A. My legs.

18 Q. Okay. Where did you go with
19 your legs?

20 A. Down the stairs.

21 Q. Okay. And can you estimate how
22 long it took you from exiting the room to
23 going down the stairs?

24 A. No.

25 Q. And after you went down the